



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

June 22, 2011

Susie Smith
Department of Alcoholic Beverage Control
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

RE: Conflict-of-Interest Code for the Department of Alcoholic Beverage Control

Dear Ms. Smith:

Enclosed is the amended conflict-of-interest code for the Department of Alcoholic Beverage Control, approved by the Fair Political Practices Commission on June 21, 2011. A copy of the code containing the FPPC approval stamp must be filed with the Office of Administrative Law (OAL) within 30 days of the approval date. A rulemaking file is not required with a conflict-of-interest code. Your agency must indicate on the face sheet of the Form 400 that it is transmitting a code to "File and Print" only. A copy of a face sheet with the appropriate notation is enclosed for your convenience.

Once a copy endorsed by the Secretary of State's office has been returned to you by OAL, **please return this copy and a "clean" version of your approved code (without strikeout and underline) to FPPC and include the date your code was filed with the Secretary of State's office.** The code will become effective on the 30th day after the code is filed with the Secretary of State's office.


Regulation 18730, which has been incorporated as the body of your agency's conflict-of-interest code, is available on our website (www.fppc.ca.gov). The Form 700/ Statement of Economic Interests and Reference Pamphlet, which must be used by designated employees, are also available on our website in the "Form 700" section. All newly-designated employees must file Form 700 within 30 days of the effective date of the code.

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Please note that if you are not the filing officer for the statements of economic interests, it is imperative that this information be forwarded to the appropriate person. If you have any questions, please contact me at (916) 322-5660.

Sincerely,

Lynda Cassady
Chief, Technical Assistance Division


By: Sarah Olson
Political Reform Consultant

Enclosures

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

| | | | |
|--|--------------------------------------|--------------------------|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z-2011-0316-02 | REGULATORY ACTION NUMBER | EMERGENCY NUMBER |
| For use by Office of Administrative Law (OAL) only | | | |
| NOTICE | | REGULATIONS | |

 AGENCY WITH RULEMAKING AUTHORITY
 Department of Alcoholic Beverage Control

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | | |
|--|--|--------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE | | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY | ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER | PUBLICATION DATE |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | | | |
|--|--|--|--|
| 1a. SUBJECT OF REGULATION(S) Conflict-of-Interest Code | | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2011-0316-02 | |
| 2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related) | | | |
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | | ADOPT | |
| | | AMEND | |
| | | Section 150 | |
| TITLE(S) 4 | | REPEAL | |
| 3. TYPE OF FILING | | | |
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | | | |
| <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | | | |
| <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ | | | |
| <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only | | | |
| 4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs., title 1, §44 and Gov. Code §11347.1) | | | |
| 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) | | | |
| <input checked="" type="checkbox"/> Effective 30th day after filing with Secretary of State <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____ | | | |
| 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY | | | |
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input checked="" type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____ | | | |
| 7. CONTACT PERSON Susie Smith, Regulations Coordinator | | TELEPHONE NUMBER (916) 928-6821 | FAX NUMBER (Optional) (916) 419-2599 E-MAIL ADDRESS (Optional) susie.smith@abc.ca.gov |

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Jacob Appelsmith, Director

For use by Office of Administrative Law (OAL) only

Title 4. Business Regulations
Division 1. Department of Alcoholic Beverage Control
Article 24. Department of Alcoholic Beverage Control —~~Conflict of Interest~~ Conflict-
of-Interest Code
Section 150. General Provisions.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate ~~Conflict of Interest Codes~~ conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation, ~~2 California Code of Regulations Section 18730, (2 California Code of Regulations Section 18730) that~~ which contains the terms of a standard ~~Conflict of Interest Code,~~ conflict-of-interest code which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached ~~Appendix~~ Appendices, designating positions and establishing disclosure categories, in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the ~~Conflict of Interest Code~~ conflict-of-interest code of the Department of Alcoholic Beverage Control (ABC). Individuals holding designated positions ~~Designated employees~~ shall file statements of economic interests with ~~this agency~~ ABC which will make the statements available for public inspection and reproduction. (Government Code Section 81008). Upon receipt of the statement of the Director, ~~the agency~~ ABC shall make and retain a copy and forward the original of this statement to the Fair Political Practices Commission. Statements for all other designated ~~employees~~ positions will be retained by ~~the agency~~ ABC.

Note: Authority cited: Sections 81008, 87300, ~~and~~ 87304, and 87306 Government Code.
Reference: Section 87300, et seq., Government Code.

Appendix A
DESIGNATED POSITIONS

| <i>Designated Employees Positions</i> | <i>Disclosure Category</i> |
|---|----------------------------|
| Director | <u>A1, 2</u> |
| Chief Deputy Director | <u>A1, 2</u> |
| Assistant Director, Field Division | <u>A1, 2</u> |
| Assistant Director, Administration | <u>A1, 2</u> |
| Chief Administrative Law Judge | <u>A1, 2</u> |
| <u>General Counsel</u> | <u>1, 2</u> |
| Chief Counsel | <u>B1, 2</u> |
| <u>Chief, Business Practiees</u> | <u>B</u> |
| Deputy Division Chief, <u>ABC Alcoholic Beverage Control</u> | <u>B1</u> |
| District Administrator, Alcoholic Beverage Control | <u>B1</u> |
| Supervising Investigator, Alcoholic Beverage Control | <u>B1</u> |
| <u>Investigator II, Aleoholic Beverage Control</u> | <u>B</u> |
| <u>Investigator I, Aleoholic Beverage Control</u> | <u>B</u> |
| <u>Investigator Trainee, Aleoholic Beverage Control</u> | <u>B</u> |
| <u>Investigator Assistant</u> | <u>2</u> |
| <u>Investigator</u> | <u>2</u> |
| Licensing Officer, Alcoholic Beverage Control | <u>B1</u> |
| Licensing Representative I and II, Alcoholic Beverage Control | <u>B1</u> |
| All Attorney Classes | <u>B1</u> |
| All Administrative Law Judge Classes | <u>B1</u> |
| All Information Officer Classes | <u>B1</u> |
| Legal Analyst | <u>B1</u> |
| Legal Assistant | <u>B1</u> |
| All Staff Services Manager Classes | <u>B1</u> |
| Accounting Officer | <u>E2</u> |
| <u>Fiscal Officer I</u> | <u>E</u> |
| All Information Systems Analyst Classes | <u>E2</u> |
| All Data Processing Manager Classes | <u>E2</u> |
| All System Software Specialist Classes | <u>E2</u> |
| Business Services Assistant | <u>E2</u> |
| Consultants | <u>D*</u> |

Appendix B
DISCLOSURE CATEGORIES

Disclosure Categories:

Category ~~A1~~. ~~Designated employees in Category A must report all interests required to be reported by designated employees in Categories B and C below.~~

~~Category B~~. Designated positions ~~employees~~ in Category ~~B1~~ must report:

Investments and business positions in business entities, and income ~~received~~, including gifts, loans, and travel payments, from sources, that either have applications for licensing, have licenses pending, are licensed, or have been licensed by the department within two years prior to any time period covered by a statement of economic interests, and interests in real property upon which a business licensed by the department is maintained.

Category ~~C2~~. Designated positions ~~employees~~ in Category ~~C2~~ must report:

Investments and business positions in business entities, and income, including gifts, loans, and travel payments, from sources, of the type that, within the previous two years, contracted with the State of California to provide services, equipment, leased space, materials, or supplies to ABC ~~the Department of Alcoholic Beverage Control~~.

~~Category D. Consultants in Category D must report:~~

~~*Consultants shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:~~

The ~~director~~ Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The ~~director's~~ Director's determination is a public record and shall be retained for public inspection in the same manner and location as this ~~conflict of interest~~ conflict-of-interest code. (Gov. Code Sec. 81008.)

This is the last page of the conflict-of-interest code for the **Department of Alcoholic Beverage Control**.



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict-of-interest code for the **Department of Alcoholic Beverage Control** was approved on June 21, 2011.

A handwritten signature in black ink, appearing to read "Roman G. Porter", written over a horizontal line.

Roman G. Porter
Executive Director
Fair Political Practices Commission

Pursuant to Government Code Section 11346.2:

Secretary of State Filing Date:

Effective: